



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection
FROM: Chris Coppi, Bureau of Land and Water Quality
RE: Consent Agreement for Chauncey Vieira
DATE: April 15, 2010

Statute and Rule Reference: The *Natural Resources Protection Act*, 38 M.R.S.
§ 480-C, prohibits, in pertinent part, filling a freshwater wetland without first obtaining a permit from the Department.

Location: Sanford

Description: On September 3, 2009, a staff inspection of the property revealed that Chauncey Vieira filled 10,400 square feet of freshwater wetland for a house and driveway. No prior permits were obtained for this activity. At the time of inspection, the project site was stabilized with adequate erosion control measures to staff's satisfaction.

Environmental Issues: Wetlands are a valuable connection between the terrestrial and aquatic ecosystems in our environment. There are various types of wetlands and each provide a unique set of functions to the environment which include protecting water quality, providing wildlife habitat, and maintaining water storage. In addition to providing the necessary habitat for wildlife survival, they are also valued by people for recreation and aesthetics. Development of wetland areas can result in a loss of water storage and a potential increase in flooding to local communities which can significantly affect people's properties and lives.

Mr. Vieira obtained an after-the-fact Natural Resources Protection Act Tier 1 permit for the wetland alteration on November 30, 2009.

Department Recommendation: The Department recommends acceptance of this Consent Agreement stipulating that Chauncey Vieira pay a monetary penalty of \$1,237.00, which has been done. The penalty is based on the Department's penalty policy and reflects that the size of the violation, the knowledge of the violator, and that the violation could have been avoided.

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

IN THE MATTER OF:

DAVID P. LITTELL

COMMISSIONER

CHAUNCEY VIEIRA)	ADMINISTRATIVE CONSENT
SANFORD, YORK, MAINE)	AGREEMENT
NRPA)	(38 M.R.S.A. § 347-A)
2009-095-L)	

This Agreement by and among Chauncey Vieira, the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. Chauncey Vieira, P. O. Box 483, Springvale, Maine 04083, owns a parcel of land off Dry Brook Road in Sanford, Maine as described and recorded in Book 15723 of Page 864 of the York County Registry of Deeds.
2. The property described in Paragraph 1 of this Agreement contains a portion of a freshwater wetland as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(4).
3. On September 3, 2009, a staff inspection of the property described in Paragraph 1 of this Agreement revealed that Chauncey Vieira placed fill material in approximately 10,400 square feet of a freshwater wetland for a house and driveway. Chauncey Vieira did not first obtain a permit from the Department for this activity. At the time of inspection, the project site was stabilized to staff's satisfaction.
4. By placing fill material in a freshwater wetland without first obtaining a permit from the Department, Chauncey Vieira violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
5. On September 21, 2009, the Department issued a Notice of Violation to Chauncey Vieira regarding the violation described in Paragraphs 3 and 4 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
6. On October 20, 2009, Chauncey Vieira submitted an after-the-fact Natural Resources Protection Act Tier 1 permit to the Department for the wetland alteration described in Paragraph 3 of this Agreement. The permit was assigned # L-24742-TC-A-N and was approved on November 30, 2009.
7. The Department has regulatory authority over the activities described herein.

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AGREEMENT
(38 M.R.S.A. § 347-A)

8. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department.
9. This Agreement shall become effective only if it is approved by the Board and the Attorney General.
10. To resolve the violation referred to in Paragraphs 3 and 4 of this Agreement, Chauncey Vieira agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of one thousand two hundred thirty seven dollars (\$1,237.00) as a civil monetary penalty.
11. The Department and Office of the Attorney General grant a release of their causes of action against Chauncey Vieira for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 10 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN THE MATTER OF:

CHAUNCEY VIEIRA
SANFORD, YORK, MAINE
NRPA
2009-095-L

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ADMINISTRATIVE CONSENT
AGREEMENT
(38 M.R.S.A. § 347-A)

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

CHAUNCEY VIEIRA



CHAUNCEY VIEIRA

DATE: 1/7/10

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
SUSAN M. LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL